

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X Docket No. 12-CV-4662 (BSJ)
RAFAEL LEE,

Plaintiff,

-against-

ANSWER

KUCKER & BRUH, LLP and
ALAN D. KUCKER,

Defendants.

-----X

Defendants, KUCKER & BRUH, LLP and ALAN D. KUCKER, by their attorneys,
KUCKER & BRUH, LLP hereby responds to the allegations set forth in Plaintiff's Complaint
dated June 12, 2012, as follows:

FIRST: Lacks knowledge or information sufficient to form a belief as to
the truth of each and every allegation contained within paragraph "1" of Plaintiff's Complaint
and in addition, refers all questions of law to the trial court for judicial determination.

SECOND: Lacks knowledge or information sufficient to form a belief as to
the truth of each and every allegation contained within paragraph "2" of Plaintiff's Complaint
and in addition, refers all questions of law to the trial court for judicial determination.

THIRD: Lacks knowledge or information sufficient to form a belief as to
the truth of each and every allegation contained within paragraph "3" of Plaintiff's Complaint
and in addition, refers all questions of law to the trial court for judicial determination.

FOURTH: Lacks knowledge or information sufficient to form a belief as to
the truth of each and every allegation contained within paragraph "4" of Plaintiff's Complaint.

FIFTH: Lacks knowledge or information sufficient to form a belief as to
the truth of each and every allegation contained within paragraph "5" of Plaintiff's Complaint

and in addition, refers all questions of law to the trial court for judicial determination.

SIXTH: Denies the truth of each and every allegation contained within paragraph “6” of Plaintiff’s Complaint, except to admit that the principal place of business of Kucker & Bruh, LLP is located at 747 Third Avenue, New York, NY 10017.

SEVENTH: Denies the truth of each and every allegation contained within paragraph “7” of Plaintiff’s Complaint and in addition, refers all questions of law to the trial court for judicial determination.

EIGHTH: Admits the allegations contained within paragraph “8” of Plaintiff’s Complaint to the extent that Alan Kucker is an attorney duly admitted to practice law in the State of New York and is a partner in the law firm of Kucker & Bruh, LLP.

NINTH: Denies the truth of each and every allegation contained within paragraph “9” of Plaintiff’s Complaint and in addition, refers all questions of law to the trial court for judicial determination.

TENTH: Lacks knowledge or information sufficient to form a belief as to the truth of each and every allegation contained within paragraph “10” of Plaintiff’s Complaint.

ELEVENTH: Lacks knowledge or information sufficient to form a belief as to the truth of each and every allegation contained within paragraph “11” of Plaintiff’s Complaint and in addition, refers all questions of law to the trial court for judicial determination.

TWELFTH: Lacks knowledge or information sufficient to form a belief as to the truth of each and every allegation contained within paragraph “12” of Plaintiff’s Complaint and in addition, refers all questions of law to the trial court for judicial determination.

THIRTEENTH: Lacks knowledge or information sufficient to form a belief as to the truth of each and every allegation contained within paragraph “13” of Plaintiff’s Complaint.

FOURTEENTH: Lacks knowledge or information sufficient to form a belief as to the truth of each and every allegation contained within paragraph “14” of Plaintiff’s Complaint and in addition, refers all questions of law to the trial court for judicial determination.

FIFTHTEENTH: Lacks knowledge or information sufficient to form a belief as to the truth of each and every allegation contained within paragraph “15” of Plaintiff’s Complaint and in addition, refers all questions of law to the trial court for judicial determination.

SIXTHTEENTH: Lacks knowledge or information sufficient to form a belief as to the truth of each and every allegation contained within paragraph “16” of Plaintiff’s Complaint and in addition, refers all questions of law to the trial court for judicial determination.

SEVENTEENTH: Lacks knowledge or information sufficient to form a belief as to the truth of each and every allegation contained within paragraph “17” of Plaintiff’s Complaint and in addition, refers all questions of law to the trial court for judicial determination.

EIGHTEENTH: Lacks knowledge or information sufficient to form a belief as to the truth of each and every allegation contained within paragraph “18” of Plaintiff’s Complaint.

NINETEENTH: Lacks knowledge or information sufficient to form a belief as to the truth of each and every allegation contained within paragraph “19” of Plaintiff’s Complaint.

TWENTIEH: Lacks knowledge or information sufficient to form a belief as to the truth of each and every allegation contained within paragraph “20” of Plaintiff’s Complaint and in addition, refers all questions of law to the trial court for judicial determination.

TWENTY-FIRST: Lacks knowledge or information sufficient to form a belief as to the truth of each and every allegation contained within paragraph “21” of Plaintiff’s Complaint and in addition, refers all questions of law to the trial court for judicial determination.

TWENTY-SECOND: Lacks knowledge or information sufficient to form a belief

as to the truth of each and every allegation contained within paragraph “22” of Plaintiff’s Complaint.

TWENTY-THIRD: Lacks knowledge or information sufficient to form a belief as to the truth of each and every allegation contained within paragraph “23” of Plaintiff’s Complaint.

TWENTY-FOURTH: Lacks knowledge or information sufficient to form a belief as to the truth of each and every allegation contained within paragraph “24” of Plaintiff’s Complaint.

TWENTY-FIFTH: Lacks knowledge or information sufficient to form a belief as to the truth of each and every allegation contained within paragraph “25” of Plaintiff’s Complaint.

TWENTY-SIXTH: Denies the allegations contained within paragraph “26” of Plaintiff’s Complaint except to admit that Kucker & Bruh, LLP issued a “Three Day Notice” to the Plaintiff dated March 15, 2012 and that said document speaks for itself.

TWENTYS-EVENTH: Denies the allegation contained within paragraph “27” of Plaintiff’s Complaint, except to admit that Alan D. Kucker, Esq. signed the “Three Day Notice” in his representative capacity as a member of Kucker & Bruh, LLP as counsel for the Plaintiff’s landlord, Woodfin Realty Corp.

TWENTY-EIGHTH: Denies the allegations contained within paragraph “28” of Plaintiff’s Complaint except to admit that Kucker & Bruh, LLP issued a “Three Day Notice” to the Plaintiff dated March 15, 2012 and that said document speaks for itself.

TWENTY-NINTH: Denies the truth of each and every allegation contained within paragraph “29” of Plaintiff’s Complaint, excepts admits that Kucker & Bruh, LLP issued a “Three Day Notice” dated March 15, 2012 to the Plaintiff and that said document speaks for itself.

THIRTIETH: Lacks knowledge or information sufficient to form a belief as to the truth of each and every allegation contained within paragraph “30” of Plaintiff’s Complaint.

THIRTY-FIRST: Denies the truth of each and every allegation contained within paragraph “31” of Plaintiff’s Complaint, except to admit that Kucker & Bruh, LLP commenced a non-payment proceeding on behalf Plaintiff’s landlord and as against the Plaintiff, in New York City Housing Court bearing Index No. 60394/2012 and that said document speaks for itself.

THIRTY-SECOND: Denies the allegation contained within paragraph “32” of Plaintiff’s Complaint, except to admit that Alan D. Kucker, Esq. signed the “Verification” annexed to the Petition bearing Index No. 60394/2012 and that said document speaks for itself.

THIRTY-THIRD: Denies the truth of each and every allegation contained within paragraph “33” of Plaintiff’s Complaint.

THIRTY-FOURTH: Denies the truth of each and every allegation contained within paragraph “34” of Plaintiff’s Complaint, except to admit that Kucker & Bruh, LLP commenced a non-payment proceeding on behalf Plaintiff’s landlord and as against the Plaintiff, in New York City Housing Court bearing Index No. 60394/2012 and that said document speaks for itself.

THIRTY-FIFTH: Lacks knowledge or information sufficient to form a belief as to the truth of each and every allegation contained within paragraph “35” of Plaintiff’s Complaint.

THIRTY-SIXTH: Lacks knowledge or information sufficient to form a belief as to the truth of each and every allegation contained within paragraph “36” of Plaintiff’s Complaint.

THIRTY-SEVENTH: Denies the truth of each and every allegation contained within paragraph “37” of Plaintiff’s Complaint, except to admit that Kucker & Bruh, LLP received a written answer dated April 4, 2012 from the Plaintiff to the non-payment proceeding and that said document speaks for itself.

THIRTY-EIGHTH: Denies the truth of each and every allegation contained within paragraph “38” of Plaintiff’s Complaint, except to admit that Kucker & Bruh, LLP received a written answer dated April 4, 2012 from the Plaintiff to the non-payment proceeding and that said document speaks for itself.

THIRTY-NINTH: Lacks knowledge or information sufficient to form a belief as to the truth of each and every allegation contained within paragraph “39” of Plaintiff’s Complaint.

FORTIETH: Denies the truth of each and every allegation contained within paragraph “40” of Plaintiff’s Complaint.

FORTYFIRST: Denies the truth of each and every allegation contained within paragraph “41” of Plaintiff’s Complaint, except to admit that the Honorable Judge Laurie Lau issued a decision/order dated May 17, 2012 bearing Index No. 60394/2012 and that said document speaks for itself.

FORTY-SECOND: Denies the truth of each and every allegation contained within paragraph “42” of Plaintiff’s Complaint.

FORTY-THIRD: Denies the truth of each and every allegation contained within paragraph “43” of Plaintiff’s Complaint.

FORTY-FOURTH: Denies the truth of each and every allegation contained within paragraph “44” of Plaintiff’s Complaint.

FORTY-FIFTH: Denies the truth of each and every allegation contained within paragraph “45” of Plaintiff’s Complaint and in addition.

FORTY-SIXTH: Lacks knowledge or information sufficient to form a belief as to the truth of each and every allegation contained within paragraph “46” of Plaintiff’s Complaint and in addition, refers all questions of law to the trial court for judicial determination.

FORTY-SEVENTH: Denies the truth of each and every allegation contained within paragraph “47” of Plaintiff’s Complaint and in addition, refers all questions of law to the trial court for judicial determination.

FORTY-EIGHTH: Denies the truth of each and every allegation contained within paragraph “48” of Plaintiff’s Complaint and in addition, refers all questions of law to the trial court for judicial determination.

FORTY-NINTH: Repeats and realleges its responses to each of the allegations contained within paragraphs 1 through 49 of Plaintiff’s complaint as if said responses were more fully set forth herein.

FIFTIETH: Denies the truth of each and every allegation contained within paragraph “50” of Plaintiff’s Complaint and in addition, refers all questions of law to the trial court for judicial determination.

FIFTY-FIRST: Lacks knowledge or information sufficient to form a belief as to the truth of each and every allegation contained within paragraph “51” of Plaintiff’s Complaint and in addition, refers all questions of law to the trial court for judicial determination.

FIFTY-SECOND: Lacks knowledge or information sufficient to form a belief as to the truth of each and every allegation contained within paragraph “52” of Plaintiff’s Complaint and in addition, refers all questions of law to the trial court for judicial determination.

FIFTY-THIRD: Denies the truth of each and every allegation contained within paragraph “53” of Plaintiff’s Complaint including subparagraph a through d and in addition, refers all questions of law to the trial court for judicial determination.

FIFTY-FOURTH: Denies the truth of each and every allegation contained within paragraph “54” of Plaintiff’s Complaint and in addition, refers all questions of law to the trial

court for judicial determination.

FIFTY-FIFTH: Denies the truth of each and every allegation contained within paragraph “55” of Plaintiff’s Complaint and in addition, refers all questions of law to the trial court for judicial determination.

FIFTY-SIXTH: Denies the truth of each and every allegation contained within paragraph “56” of Plaintiff’s Complaint and in addition, refers all questions of law to the trial court for judicial determination.

**AS AND FOR ANSWERING DEFENDANT’S
FIRST AFFIRMATIVE DEFENSE**

Plaintiff’s Complaint fails to state a valid cause of action upon which relief may be granted.

**AS AND FOR ANSWERING DEFENDANT’S
SECOND AFFIRMATIVE DEFENSE**

Plaintiff’s Complaint is not supported by documentary evidence.

**AS AND FOR ANSWERING DEFENDANT’S
THIRD AFFIRMATIVE DEFENSE**

Defendant did not violate, in whole or in part, any provision of FDCPA.

**AS AND FOR ANSWERING DEFENDANT’S
FOURTH AFFIRMATIVE DEFENSE**

To the extent a violation of any provision of 15 USC § 1692 occurred, which violation is expressly denied, such violation was not intentional and resulted from a *bona fide* error notwithstanding reasonable procedures adopted to avoid any such error.

WHEREFORE, Answering Defendants KUCKER & BRUH, LLP and ALAN D.

KUCKER, respectfully request that this Court enter judgment herein dismissing Plaintiff's claim against them in their entirety, together with such other, further and different relief as this Court deems just and proper.

Dated: New York, New York
July 9, 2012

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By:



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